



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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WAYNE J. NICKERSON

Complainant

v.

DENNIS GOUDREAU, formerly Chief  
Steward, LOCAL #365, COUNCIL 93  
AMERICAN FEDERATION OF STATE,  
COUNTY and MUNICIPAL EMPLOYEES

Respondent

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CASE NO. M-0657

DECISION NO. 92-54

### DECISION AND ORDER

The Board, meeting at its offices in Concord, New Hampshire, On March 12, 1992, took the following actions:

1. It reviewed the pleadings submitted on behalf of the complainant by filing of James H. Leary, Esquire, on October 3, 1991 and the answer filed by James Anderson on behalf of AFSCME, Council 93 and Local 365 on October 16, 1991.
2. It heard arguments from representatives of the complainant and Council 93 and Local 365 on the issue of the timeliness of the filing of the complaint in this case (October 3, 1991) relative to the date of the complained of conduct (on March 17, 1988).
3. It examined the provisions of RSA 273-A:6 VII after which it was moved by Member Osman:

We have examined the pleadings and the arguments of the parties in this case and find that the act complained of was the alleged non-representation of the grievant by the union [namely Dennis Goudreau in his then capacity as Chief Steward of Local 365] on March 17, 1988. This is the operative date

in this case. The complaint was filed with the Board on October 3, 1991, clearly more than six months after the operative act complaint of by Mr. Nickerson. Under the provisions of RSA 273-A:6 this Board is directed to "summarily dismiss any complaint of an alleged violation of RSA 273-A:5 which occurred more than six months prior to the filing of the complaint." This portion of the statute does not reserve any prerogative unto the Board to extend or modify the foregoing six month standard. For that reason, I move that the case be dismissed from the Board's docket.

Seconded by Member Hall. VOTED: Affirmative 3, Negative 0, Case DISMISSED.

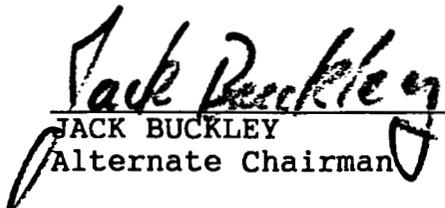
4. It heard a motion by counsel for complainant that the answer filed on October 16, 1991, was deficient in that it could represent an answer only on behalf of Council 93 or Local 365, but not both. After hearing argument on that motion, it was moved by Member Hall:

To affirm the sufficiency of the answer with respect to both Council 93 and Local 365 and to deny the motion with respect to any insufficiency of the answer.

Seconded by Member Osman. VOTED: Affirmative 3, Negative 0, Motion DENIED.

So ordered.

Signed this 16th day of March, 1992.

  
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JACK BUCKLEY  
Alternate Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members Seymour Osman and E. Vincent Hall present and voting.